



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/889,776	07/08/97	RICEMAN	

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LM01/0928

EXAMINER
RAMAKRISHNAIAH, M

ART UNIT	PAPER NUMBER
2743	

DATE MAILED: 09/28/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/889,776

Applicant(s)
William K. Riceman et al.

Examiner
Melur Ramakrishnaiah

Group Art Unit
2743



☒ Responsive to communication(s) filed on Jul 8, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 2 and 14-20 is/are allowed.

☒ Claim(s) 1, 3-9, and 11-13 is/are rejected.

☒ Claim(s) 10 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 4, 5, 9, 13 are rejected under 35 U.S.C 102(b) as being anticipated by Maloon et al. (US PAT. 4,635,278 hereinafter Maloon).

Regarding claim 1, Maloon discloses autoregressive digital telecommunications system with system and method comprising: creating multiple data files in buffer 20 from the data source 10 to be transmitted; generating multiple tones in the tone encoder 30, where each one of the tones has a different frequency; assigning each one of the multiple data files to a corresponding one of the tones; combining the multiple tones into a single multi-tone signal; and transmitting the multi-tone signal (Fig. 1 col. 2 lines 16-40, col. 4 lines 2-52).

Regarding claims 4, 5, 9, 13, Maloon further shows the following: multiple data files are created from bytes of data to be transmitted, where each one of the multiple data files is comprised of a separate one of the bytes, each one of the bytes being comprised of eight bits of data, each one of the bits corresponding to a particular position within each one of the bytes, and each one of the data files being comprised of bits from each one of the bytes corresponding to the same particular position; each one of the files comprising the multi-tone signal is comprised of a

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plurality of bits of data, each one the bits corresponding to a particular position in the files. And each bit corresponding to the same particular position in each one of the data files being transmitted simultaneously; each one of the generated tones are separated from one another by a predetermined frequency (Fig. 1 col. 2 lines 16-40, col. 4 lines 2-52).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloon.

Regarding claims 11, 12, does not explicitly specify his method is used to transmit data via a facsimile machine and video phone; but he specifies a data source 10 which provides data to be transmitted; thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Maloon's system to transmit data from a facsimile machine and video phone as this would facilitate transmission of data from these sources at a higher data rate.

5. Claims 3, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloon in view of Cioffi (US PAT. 5,519,731).

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Regarding claims 3, 6-8, Maloon does not show the following: compression of data files; generating and adding of error check signal, clocking signal, and timed start/stop and sequence command to the additional files.

However, Cioffi discloses ADSL compatible discrete multi-tone apparatus for mitigation of T1 noise which teaches the following: compression of data files; generating and adding of error check signal, clocking signal, and timed start/stop and sequence command to the additional files (Fig. 5, col. 5 lines 34-67, col. 6 lines 1-56).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Maloon's system to provide for the following: compression of data files as this would facilitate bandwidth reduction for transmission of data; generating and adding of error check signal, clocking signal as additional files as this would facilitate error correction of data transmitted synchronously and adding of timed start/stop and sequence command to the additional files as this would facilitate identification and decoding of data files at the receiving end.

6. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 2, 14-20 are allowed.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

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(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700